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8 *Attorneys for Individual and Representative Plaintiff*
9 *Margarita Lacabe*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 ANDREA RESNICK, GARY BUNKER,
15 JOHN HALEY, AMY LATHAM, ERIC
ROSLANSKY and KEVIN SIMPSON, on
16 behalf of themselves and all others
similarly situated,

17 Plaintiffs,

18 v.

19 WALMART.COM USA LLC, WAL-
20 MART STORES, INC., and NETFLIX,
INC.,

21 Defendants.
22

Case No. C 09-0002 PJH

DECLARATION OF MICHELE C. JACKSON
IN SUPPORT OF ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASE NO. C 09-0402 JL SHOULD BE
RELATED PURSUANT TO CIVIL L. R. 3-12

23 I, Michele C. Jackson, declare as follows:

24 1. I am a member in good standing of the Bar of the State of California and a
25 partner in the law firm Lieff Cabraser Heimann & Bernstein, LLP, counsel of record for Plaintiff
26 in *Lacabe v. Walmart.com USA LLC, et al.*, Case No. 09-CV-0402 JL. I submit this declaration
27 in support of the Administrative Motion to Consider Whether Case No. C 09-0402 JL Should Be
28

1 Related Pursuant to Civil L. R. 3-12. I make this declaration based on my personal knowledge,
2 and if called to testify to the contents, I could and would competently do so.

3 2. Attached as Exhibit A is a true and correct copy of the class action
4 complaint filed on January 2, 2009, in *Resnick v. Walmart.com USA LLC, et al.*, Case No. 09-CV-
5 0002, and assigned to the Honorable Phyllis J. Hamilton..

6 3. Attached as Exhibit B is a true and correct copy of the class action
7 complaint filed on January 28, 2009, in *Lacabe v. Walmart.com USA LLC, et al.*, Case No. 09-
8 CV-0402 JL.

9 4. The plaintiffs in the *Lacabe* and the *Resnick* actions allege that the same
10 Defendants violated federal antitrust law by illegally allocating and monopolizing markets for
11 DVD sales and rentals. Plaintiffs in the *Lacabe* and *Resnick* actions all raise claims for violations
12 of the Sherman Act, 15 U.S.C. §§ 1 and 2. Plaintiffs in other cases make similar claims in the
13 other cases that have previously been related to *Resnick*, according to the Docket in Case No. 09-
14 CV-0002, which are:

Related Cases	Filed
3:09-cv-0096-PJH O'Connor v. Walmart.com USA LLC et al.	01/15/2009
3:09-cv-0111-PJH Endzweig v. Walmart.com USA LLC et al.	01/20/2009
3:09-cv-0116-PJH Schmitz v. Walmart.com USA LLC et al.	01/20/2009
3:09-cv-0138-PJH Lynch et al. v. Walmart.com USA LLC et al.	01/20/2009
3:09-cv-0139-PJH Groce et al. v. Netflix, Inc. et al.	01/20/2009
3:09-cv-0156-PJH Sivek v. Walmart.com USA LLC et al.	01/27/2009
3:09-cv-0180-PJH Faris v. Netflix, Inc. et al.	01/27/2009
3:09-cv-0225-PJH Slobodin v. Netflix, Inc. et al.	01/29/2009
3:09-cv-0236-PJH Anthony et al. v. Walmart.com USA LLC et al.	01/27/2009
3:09-cv-0244-PJH Polk-Stamps v. Netflix, Inc. et al.	01/29/2009
3:09-cv-0274-PJH Sheeler v. Walmart.com USA LLC et al.	02/03/2009
3:09-cv-0294-PJH Chapman v. Netflix, Inc. et al.	01/29/2009
3:09-cv-0297-PJH Orozco v. Netflix, Inc. et al.	01/29/2009
3:09-cv-0340-PJH Landels et al. v. Netflix, Inc. et al.	02/03/2009
3:09-cv-0349-PJH Grime v. Netflix, Inc. et al.	02/03/2009
3:09-cv-0361-PJH Meyer v. Walmart.com USA LLC et al.	02/03/2009
3:09-cv-0368-PJH Randall v. Walmart.com USA LLC et al.	02/03/2009
3:09-cv-0375-PJH Hirsch v. Netflix, Inc. et al.	02/03/2009
3:09-cv-0377-PJH Miscioscia v. Netflix, Inc. et al.	02/03/2009
3:09-cv-0391-PJH Chatelain v. Netflix, Inc. et al.	02/03/2009

27 5. A stipulation pursuant to Civil Local Rule 7-11(a) could not be obtained
28 because Defendants that have been sued in *Lacabe* have yet to appear in the action. Local Rule 3-

1 12 requires an administrative motion to consider whether cases should be related to be filed
2 promptly.

3 I declare under penalty of perjury, pursuant to the laws of the United States, that
4 the foregoing is true and correct. Executed this 4th day of February, 2009, in San Francisco,
5 California..

6 s/
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8 Michele C. Jackson
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